



A0000179-C1-66-MG

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

#44

APPLICANT : Francois Bertelli, et al.

EXAMINER :

SERIAL NO : 10/090,827

ART UNIT :

FILED : March 6, 2002

PAPER NO. :

FOR : METHOD FOR THE SCREENING OF ALPHA2DELTA-1 SUBUNIT  
BINDING LIGANDS

**PETITION UNDER 37 CFR 1.17 (h)**

June 10, 2002

Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
JUN 28 2002  
OFFICE OF PETITIONS

Dear Sir:

This petition is in response to the Notice of Omitted Items mailed April 9, 2002; which Notice indicates that the item, page 30 of the specification, appears to have been omitted from the specification.

However, as more fully explained below, it is apparent to Applicant that said item was included in the submission of the above-captioned application on March 6, 2002.

As part of the general procedure during filing, the undersigned reviews for completion and consistency the number of the application pages being submitted to the United States Patent and Trademark Office (U.S. PTO), as well as the corresponding copy to be retained in Applicant's file. Thereafter, the application package is given to the undersigned's assistant for mailing. To the best of the undersigned's knowledge, this procedure was followed with the application under consideration, and the mailing was completed without any further incident or unusual occurrence suggesting that any portion of the specification was omitted from the application submitted to the U. S. PTO.

Attached herewith are included the following copies from Applicant's file of the application under consideration:

- The itemized return receipt postcard acknowledged and returned by the U.S. P

Applicant;

06/10/2002 BABRAHA1 00000031 230455 10090827

01 FC:122 130.00 CH

Adjustment date: 07/17/2002 - AKELLEY  
06/10/2002 BABRAHA1 00000031-230455 10090827  
01 FC:122 130.00 CH

EXPRESS MAIL NO. EF220793392US  
A0000179-C1-66-MG

- The Certificate of Mailing, stating express mailing Label Number EJ054450643US, the date of mailing of March 6, 2002, and docket number A0000179-C1-66-MG;
- The Utility Patent Application Transmittal specifying the submission of a specification having a total of 57 pages (item 3, transmittal); the transmittal displaying the above mailing Label Number and docket number; and
- Copies of specification pages 1 and 30 retained in Applicant's file; page 1 displaying the above mailing Label Number and docket number; and page 30 corresponding to the alleged omitted item.

It is apparent that the sum total of the pages listed under the return receipt postcard items 3-6 is 57 pages, consistent with the total number of specification pages stated under Transmittal item 3. It is also apparent that the specification included 4 pages containing references as stated under item 3 on the return receipt postcard. Applicant's file copies indicate that these four pages correspond to specification pages 27-30 and the Notice of Omitted Items indicates that only Page 30 is apparently omitted. Thus, it is apparent to Applicant that item 3 of the postcard refers to the allegedly omitted page 30; by stating "REFERENCES ON (4 PGS)".

Thus, in light of all of the above, it is apparent to Applicant that the allegedly omitted item was submitted as part of this application's filing on March 6, 2002. Accordingly, by way of this petition, Applicant respectfully requests that the filing date of March 6, 2002, be granted with respect to page 30 of the specification under consideration.

Respectfully submitted,

Dated: June 10, 2002

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